

REMARKS

Prior to this Amendment, claims 1, 3, and 5-21 remained for consideration in the application. Claim 1 is amended to include the limitations of claims 3 and 8, which are canceled. Additionally, claim 1 is amended to clarify that the extensible number of attributes used by the analysis engine include a set of attributes from existing attributes but also includes at least one new attribute defined by a user of the system (such as an organization issuing an RFP/RFQ). No new matter is added with support found at least in Figure 4 and corresponding portions of the specification.

Independent claim 12 is amended such that a set of attributes used in developing an electronic request for transaction framework includes attributes selected by a user from a set of existing attributes and also includes at least one user-defined attribute not available in the existing attributes. No new matter is added with support found in Figures 3 and 4 and corresponding portions of the specification.

Independent claim 21 is amended to include a "complex sorting scheme" feature of the invention described at least on page 21 of the specification. Particularly, the request for transaction means enables an organization to select a response based on sorting by price if price differences are significant but otherwise based on secondary criteria or attributes.

Claims 1, 5-7, 9-21 remain for consideration by the Examiner.

Claim Rejections Under 35 U.S.C. §102

In the Office Action of July 19, 2004, claims 1, 3, and 5-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication US 2002/0128955 ("Brady"). The Office Action stated that the claims were rejected for the reasons provided in the previous Office Action, and in the Response to Arguments, reasons for retaining the rejection were presented.

Applicant traverses the rejections of pending claims 1, 5-7, and 9-21 based on the following remarks.

Claim 1 is amended to include the limitations of now canceled claims 3 and 8. As a result, claim 1 calls for the analysis engine to perform an analysis framework on responses based "on an extensible number of attributes." Brady fails to show or suggest that its analysis attributes are extensible. As stated in prior amendments, the term "extensible" does not mean setting a value for a preset parameter as shown by Brady. Setting a value may influence that predetermined parameter, but this teaching of Brady does not show extending the set of attributes. "Extensible" has a dictionary or likely ordinary meaning of "capable of being extended." Nothing in Brady even hints that it would be desirable to allow a market maker to increase the number of parameters or how such extension of the set could be performed. Hence, Brady does not teach an analysis engine that enables providers to perform an analysis framework on a plurality of requests based on an extensible number of attributes."

To further highlight this difference, claim 1 was amended such that the extensible attributes comprise a set of attributes from an existing set of attributes and also at least one new attribute defined by a user of the system and not present in the existing set of attributes. Brady fails to show such a user creation of new attributes for use by an analysis engine, and claim 1 and claims 5-7 and 9-11 which depend from claim 1 are believed in condition for allowance.

Independent claim 12 calls for developing an electronic request for a transaction framework that establishes a set of relevant attributes that include not only user selected attributes from existing attributes but also at least one user-defined attribute not present in the existing attributes. Brady does not show or suggest that the user can create new attributes but merely allows the values of existing attributes to be set. Hence, claim 12 and claims 13 and 14 that depend from claim 12 are not anticipated nor made obvious by Brady.

Additionally, as discussed in the last response, claim 12 calls for "analyzing the plurality of responses based on a set of attributes selected by a user, the set of user-selectable attributes being extensible by the user." On page 5 of the May 3, 2004 Office Action, the Examiner cited Brady for each limitation except the analyzing step. In the July 19, 2004 Office Action, the Examiner asserted that Brady teaches analyzing responses based on attributes set by user with its teaching at para. [0033] of changing quantity, price, and buy/sell but these parameters change what responses may be received but fail to teach varying how a plurality of responses may be variably analyzed based on user selected and user extensible attributes. For this reason alone, claim 12 is not shown or suggested by Brady, and the rejection should be withdrawn.

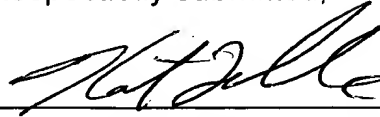
Independent claim 15 calls for creating new attributes that were not available in the set of relevant market attributes. This feature, as discussed with reference to claims 1 and 12 is not shown by Brady. Further, claim 15 is amended to clarify what steps are taken to create the new attribute, and these creation steps are not shown by Brady. As a result, Brady does not support a rejection of claim 15 and claims 16-20 which depend from claim 15.

Claim 21 is directed to a system with mean-plus-function limitations and calls for selecting a response by employing a complex sorting scheme that is not shown in Brady. Specifically, claim 21 calls for the request for transaction means to function to allow selection of a response including sorting based on price when the price difference exceeds a preset amount and if not to sort based on another or secondary attribute provided in the response. Brady fails to teach or suggest such a sorting scheme, which can be user defined. Hence, claim 21 is believed allowable over Brady.

Conclusion

In view of all of the above, the pending claims are believed to be allowable and the case in condition for allowance.

Respectfully submitted,



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